

MULTIMEDIA



UNIVERSITY

STUDENT ID. NO.

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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2019/2020

EHM3106 – LAW FOR ENGINEERS
(ME/RE/TE)

15 OCTOBER 2019
2.30 p.m. – 4.30 p.m.
(2 Hours)

INSTRUCTIONS TO STUDENT

1. This question paper consists of 3 pages with 4 questions only.
2. Attempt **ALL** questions. All questions carry equal marks and the distribution of the marks for each question is given.
3. Please write all your answers in the Answer Booklet provided.

Question 1

Law by definition constitutes a binding custom or practice, a rule of conduct or action, as well as the established law of the country. In dealing with issues at the workplace, either in production, designing, development, handling environmental issues, safety and health, cybercrimes, and management, you will need to abide by the rules, regulations and other statutory compliances. Elucidate your understanding on the importance of law and to what extent law is a hindrance to your work.

[25 marks]

Question 2

- a) Ahmad had successfully secured a contract with Tenaga Nasional Malaysia (TNB) to install 10 units of 500 kV power towers in Melaka. He wanted to buy a 40-ton mobile crane to facilitate in the project. He went to Muthu who had a few sets of 40-ton mobile cranes. Muthu showed Ahmad a good used 40-ton mobile crane. Muthu put the price tag at RM200,000. Ahmad was expecting for a much cheaper mobile crane. However, the one Muthu proposed looked the right one for him. Ahmad asked RM150,000 for the mobile crane. Muthu was silent and he shook his head in disagreement. Ahmad insisted that if the price was RM150,000 he would come in one-week time to take the mobile crane. Muthu at last agreed with the price. So, in the following week Ahmad came to hand over the cheque to Muthu. But, to his surprise the said crane was no more in sight. Muthu had sold it to someone else for a better price. Discuss the above case and your advice to Ahmad.

[15 marks]

- b) Halim was in-charge of a Fleda factory in Jerantut. The factory is producing palm oil. As the factory manager he was in-charge of delivery and transportation of palm oil to major ports for export. In one incident a tanker carrying palm oil from his factory met an accident as the tanker was moving up a hill along the way. As a result of the accident tons of palm oil from the tanker escaped and spilled over on the road, into the side drains and down the hill. The spilled over palm oil had even polluted the water catchment area nearby. The Department of Environment had considered this as a serious case and decided to take legal action on the owner of the tanker. Explain your understanding of the case with respect to due diligence and strict liability.

[10 marks]

Continued...

Question 3

- a) A Taiwanese company had decided to start a joint-venture with a local company owned by Jerry Lim. The joint-venture company started their business by producing kitchenware of their own brands. The company was doing very a good business in producing and marketing their original products. After two years in operation, the joint-venture company had decided to produce kitchenware of other local competitor's brands. Jerry Lim was unhappy with this development as it was against the joint-venture policy in copying and producing competitor's products. Advise Jerry Lim the predicament he was going to face if action is not taken to stop the imitation business.

[15 marks]

- b) Young engineers, both males and females, are involved in product development, production, marketing as well as in naming their products. Their products may cover from automobiles to airplanes parts, fibre optics, computers and domestic products. In order to identify and protect their products as genuine and original, they have to place trademark identifications on their product's name either with TM logo, or get the product's names registered which entitled them to use the ® logo on their product's name. Trademarks are for words, symbols, devices or names that are used to distinguish the goods of one manufacturer against the other. The purpose of having those identifications is to establish ownership of their intellectual property. Explain from your own understanding and guided by legal requirements, the difference between trademark TM and registered ® in a product's name.

[10 marks]

Question 4

Bersatu Building Repair Services (BBRS) was hired by the owner of a restaurant to carry out repair work on the restaurant's ceiling. BBRS sent three (3) of their workers to carry out the repair work. On their arrival at the restaurant, the three of them put up the necessary scaffolding of mobile type in order to carry out the repair work on the damaged ceilings. A total of three (3) sets of the scaffolding were used. Each set was four (4) feet high, resulting in a total height of 12 feet. After they have set up the mobile scaffolding, one of the workers climbed up and carried out the repair work on one portion of the ceiling. After the repair had been completed the person on top of the scaffolding (PoT) requested his co-worker at the bottom (CoB) to position the scaffolding to another part of the damaged ceiling. The CoB pushed the scaffolding. After being pushed awhile, PoT felt the scaffolding started trembling, he immediately cautioned CoB to slow down. Soon later the scaffolding gave way without warning. PoT jumped out and grasped whatever he could. He managed to hold on something but the object he held-on gave way and he fell straight down on the floor. PoT was admitted to a district hospital for 50 days. PoT sued CoB for damages.

Being an engineer of BBRS, advise CoB pertaining to essential elements of negligent, the practicality of the precautions, and the relevant requirements of Occupational Safety and Health Act 1994 and Factories and Machinery Act 1967.

[25 marks]

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